

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45729 of 2024

Arising Out of PS. Case No.-445 Year-2023 Thana- DINARA District- Rohtas

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Babundra Kumar Son of Manu Chaudhari Resident of Village- Chmraha, P.S.-
Dinara, District- Rohtas. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rabindra Kumar, Advocate
For the State : Mr. Dashrath Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-07-2024 Heard Mr. Rabindra Kumar, learned counsel for the

petitioner and Mr. Dashrath Mehta, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Dinara P.S. Case No. 445 of 2023, F.I.R. dated 08.09.2023 for the offences punishable under Sections 395/34 of the Indian Penal Code and later on Section 412 of the Indian Penal Code was added.

3. According to prosecution case, seven unknown persons stopped the vehicle of the informant, gave stroke and looted bag from the informant and his staff. It is further alleged that they also snatched Tab, Mobile and money purse and after that they fled away.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the



petitioner is not named in the F.I.R and the name of the petitioner is transpired during investigation on the basis of the confessional statement of the accused persons namely, Vikash Kumar and Nirhu Kumar. He further submits that except the aforesaid no other material has come during investigation which suggest the involvement of the petitioner in the present case. It is further submitted that similarly situated co-accused person, namely, Dileshwar Kumar has been granted Anticipatory Bail by this Hon'ble Court vide order dated 14.03.2024 passed in Cr. Misc. No. 17892 of 2024.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent, name of the petitioner has been transpired on the basis of the confessional statement of the co-accused person and other accused person has been granted anticipatory bail, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate



1st, Bikramganj, Rohtas in connection with Dinara P.S. Case No. 445 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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